

ASSEMBLY BILL NO. 374—ASSEMBLYMEN BOBZIEN; AIZLEY, ELLIOT ANDERSON, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON, DALY, DONDERO LOOP, EISEN, FIORE, FRIERSON, HEALEY, HICKEY, KIRKPATRICK, MARTIN, PIERCE, SPIEGEL AND SPRINKLE

MARCH 18, 2013

JOINT SPONSORS: SENATORS KIHUEN, SMITH, SEGERBLOM, PARKS; AND KIECKHEFER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the authority of a board of county commissioners to regulate certain assemblies, events or activities. (BDR 20-520)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; prohibiting, with certain exceptions, a board of county commissioners from regulating or licensing, or requiring a permit or fee relating to, assemblies, events or activities occurring on federal lands; providing, under certain circumstances, that certain requirements and prohibitions relating to assemblies do not apply to assemblies that occur on federal lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

Sections 1 and 2 of this bill prohibit, with certain exceptions, a board of county commissioners from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.



Sections 3 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a board of county commissioners shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit for the assembly, event or activity or has otherwise authorized the assembly, event or activity.

2. A board of county commissioners may regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:

(a) Lease between the Federal Government and the county; or

(b) License for recreational or other public purposes from the Federal Government to the county.

Sec. 2. NRS 244.354 is hereby amended to read as follows:

244.354 ~~The~~ *Except as otherwise provided in section 1 of this act, the* board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, *and section 1 of this act* may be incorporated in such ordinance.

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~Every~~

1. Except as otherwise provided in subsection 2, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~and~~ *, and section 1 of this act.*

2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an



1 *actual or reasonably anticipated assembly that is held on federal*
2 *land if:*

3 *(a) A federal agency has issued a license or permit for the*
4 *assembly or has otherwise authorized the assembly; and*

5 *(b) The federal land is not the subject of a:*

6 *(1) Lease for recreational or other public purposes between*
7 *the Federal Government and the county; or*

8 *(2) License for recreational or other public purposes from*
9 *the Federal Government to the county.*

10 **Sec. 4.** NRS 244.3548 is hereby amended to read as follows:

11 244.3548 ~~HH~~

12 *1. Except as otherwise provided in subsection 2, it is unlawful*
13 *for any licensee or any employee, agent or associate of a licensee to:*

14 ~~HH~~ *(a) Hold an actual or reasonably anticipated assembly of*
15 *1,000 or more persons without first procuring a license to do so.*

16 ~~HH~~ *(b) Sell tickets to such an assembly without a license first*
17 *having been obtained.*

18 ~~HH~~ *(c) Hold such an assembly in such a manner as to create a*
19 *public or private nuisance.*

20 ~~HH~~ *(d) Exhibit, show or conduct within the place of such an*
21 *assembly any obscene, indecent, vulgar or lewd exhibition, show,*
22 *play, entertainment or exhibit, no matter by what name designated.*

23 ~~HH~~ *(e) Allow any person on the premises of the licensed*
24 *assembly to cause or create a disturbance in, around or near any*
25 *place of the assembly, by offensive or disorderly conduct.*

26 ~~HH~~ *(f) Knowingly allow any person to consume, sell or be in*
27 *possession of intoxicating liquor while in such assembly except*
28 *where the consumption or possession is expressly authorized by the*
29 *board and under the laws of the State of Nevada.*

30 ~~HH~~ *(g) Knowingly allow any person at the licensed assembly to*
31 *use, sell or be in possession of any controlled substance while in,*
32 *around or near a place of the assembly.*

33 *2. The provisions of this section do not apply to an assembly,*
34 *or conduct or activity at or during an assembly, that is held on*
35 *federal land if:*

36 *(a) A federal agency has issued a license or permit for the*
37 *assembly or has otherwise authorized the assembly; and*

38 *(b) The federal land is not the subject of a:*

39 *(1) Lease for recreational or other public purposes between*
40 *the Federal Government and the county; or*

41 *(2) License for recreational or other public purposes from*
42 *the Federal Government to the county.*

43 **Sec. 5.** This act becomes effective on July 1, 2013.

